

## Message Text

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ACTION EA-09

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E.O. 11652: N/A

TAGS: SHUM, RP

SUBJECT: AMRSP REPORT: "POLITICAL PRISONERS IN THE PHILIPPINES"

BEGIN SUMMARY: ASSOCIATION OF MAJOR RELIGIOUS SUPERIORS IN THE PHILIPPINES (AMRSP) HAS RELEASED A 100-PAGE STUDY ON POLITICAL DETAINEES IN THE PHILIPPINES. AP REPORTED RELEASE AND PROVIDED HIGHLIGHTS APRIL 28. REPORT IS COMPILATION OF ACCOUNTS OF POLITICAL DETAINEE TORTURE, ABUSES, ETC., WHICH HAVE APPEARED IN AMRSP PUBLICATION, "SIGNS OF THE TIMES," OVER THE LAST FEW YEARS. IT CONTAINS WELL WRITTEN SECTION ON RULE OF LAW IN THE PHILIPPINES AND CHRONICLES CATHOLIC CHURCH'S ROLE IN PROTESTING HUMAN RIGHTS VIOLATIONS SINCE IMPOSITION OF MARTIAL LAW. REPORT CONTENTS THAT PRESIDENT MARCOS CLAIMS THAT THERE ARE NO POLITICAL PRISONERS AND TORTURE HAS NOT OCCURRED ARE LIES. ACCOUNTS OF TORTURE ARE QUITE DETAILED BUT ON FIRST READING MOST SEEM TO CONCERN NPA. THERE ARE FOUR APPENDICES TO REPORT GIVING DETAILED BACKGROUND ON POLITICAL PRISONERS WHO WERE TORTURED AND KILLED. TWO OF THESE CASES (HILAO AND ARCE) DATE FROM 1973 AND 1974, RESPECTIVELY. PUBLICATION OF REPORT MAY HAVE BEEN TIMED TO COINCIDE WITH CONGRESSMAN FRASER'S MAY HEARING ON HUMAN RIGHTS SITUATION AS WELL AS PUBLICATION OF MANGLAPUS AND MAJARES BOOKS. GOP (MILITARY ASSISTANT TO UNDERSECRETARY OF DEFENSE) TOLD PRESS DND

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IS STUDYING REPORT BUT THAT MILITARY IS WORKING TO ELIMINATE

ABUSES WHICH ARE CARRIED OUT BY "ONLY A FEW." THIS CABLE SUMMARIZES AMRSP REPORT WHICH IS BEING POUCHED EA/PHL. END SUMMARY

1. AMRSP HAS PUBLISHED A SPECIAL ISSUE OF "SIGNS OF THE TIMES" DEALING WITH "POLITICAL DETAINEES IN THE PHILIPPINES." ISSUE DATED MARCH 31 BUT WAS DISTURBED TO PRESS LATE LAST WEEK. AP CARRIED BRIEF REPORT OF PUBLICATION APRIL 28. EMBASSY RECEIVED HAND DELIVERED COPIES OF REPORT YESTERDAY MORNING (APRIL 29). IT BEGINS WITH EPIGRAPH FROM SENATOR DIOKNO DESCRIBING WHAT DETENTION IS REALLY LIKE. THIS IS FOLLOWED BY THREE-PAGE INTRODUCTION TO ESTABLISH "CONTEXT OF THE PROBLEM." AFTER STATING IMPOSITION OF MARTIAL LAW HAS BROUGHT "UNTOLD SUFFERING" TO THE FILIPINOS, IT DESCRIBES ECONOMIC SITUATION, MISERABLE LOT OF AVERAGE CITIZEN, INCREASE IN REPRESSION AND GROWTH OF OPPOSITION TO THE MARTIAL LAW REGIME. ANALYSIS OF SITUATION SINCE MARTIAL LAW IS STRIKINGLY SIMILAR TO THAT OFFERED BY SENATORS SALONGA AND KIOKNO IN THE REVIEWS OF MARTIAL LAW PUBLISHED LAST YEAR, WITH CONSIDERABLE EMPHASIS ON GOVERNMENT'S ACCOMMODATION OF MULTINATIONALS AND DETERIORATION OF ECONOMIC SITUATION.

2. POLITICAL DETAINEES: CHAPTER I, WHICH RUNS TWELVE PAGES, DISCUSSES THE GENERAL QUESTION OF POLITICAL DETAINEES. THE REPORT STATES REGIME'S DENIAL THAT THERE ARE NO POLITICAL PRISONERS IS SEMANTICS GAME. AFTER QUOTING CONTRADICTORY STATEMENTS BY PRESIDENT MARCOS ON THE POLITICAL PRISONERS QUESTION AND CITING AMBASSADOR MUTUC'S TESTIMONY BEFORE FRASER COMMITTEE, REPORT CONCLUDES "IT IS NEXT TO IMPOSSIBLE TO GET ACCURATE DATA ON THE ACTUAL NUMBER OF POLITICAL DETAINEES" AND ADMITS STATISTICS BY CHURCH ORGANIZATIONS ON THE NUMBER OF DETAINEES IN THE PROVINCES ARE INCOMPLETE. THE REPORT PROVIDES A BREAKDOWN OF DETAINEES IN THE GREATER MANILA AREA AND IN SOME OF THE PROVINCES AS OF FEBRUARY 1976. THE TOTAL NUMBER IS 510 ALTHOUGH REPORT SAYS THERE ARE MANY PROVINCIAL CENTERS WHERE GROUPS OF FARMERS ARE DETAINED FOR SUPPORTING NPA. IN ADDITION, THERE ARE UNDETERMINED NUMBERS OF SAFE HOUSES WHERE DETAINEES HAVE LIMITED OFFICIAL USE

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BEEN BROUGHT FOR TACTICAL INTERROGATION. REPORT DISCUSSES CONDITIONS INSIDE DETENTION CENTERS AND CHARGES THAT THEY ARE CROWDED, IN FOUL CONDITION AND BADLY MANAGED. CONDITIONS OF DETENTION LED SOME DETAINEES TO UNDERTAKE HUNGER STRIKES TO CALL ATTENTION TO THEIR PLIGHT.

3. TORTURE: CHAPTER II, "TORTURE, DEATH AND DISAPPEARANCES," BEGINS BY CITING PRESIDENT'S DECEMBER

11, 1974 CLAIM THAT "NO ONE BUT NO ONE HAS BEEN TORTURED." REPORT THEN PROVIDES EXCERPTS FROM PERSONAL TESTIMONIES OF INDIVIDUALS TORTURED. THESE FIRST PERSON ACCOUNTS ARE FOLLOWED BY A SECTION ON METHODS OF TORTURE AND CLAIMS THAT MALTREATMENT OF DETAINEES IS SOP DURING TACTICAL INTERROGRATION. THE REPORT MAINTAINS THAT DETAINEES IN MANILA AREA HAVE SAID THAT 90 PERCENT OF THEIR NUMBER HAVE BEEN TORTURED. THERE IS GRISLY CATALOGUE OF TORTURES, INCLUDING APPLICATION OF LIGHTED CIGARETTES, ELECTRICAL SHOCK, SEXUAL ABUSE OF FEMALE DETAINEES, BEATINGS, WATER TORTURE, APPLICATION OF HOT IRONS TO SOLES OF FEET, ETC. THE REPORT STATES THAT "ALTHOUGH THE MILITARY WOULD LIKE TO MAKE IT APPEAR THAT CASES OF TORTURE ARE ISOLATED INCIDENTS, REPORTS COMING FROM ALL OVER THE COUNTRY SHOW THAT TORTURE IS WIDESPREAD."

4. RULE OF LAW: CHAPTER III IS A TWELVE-PAGE ANALYSIS OF THE "RULE OF LAW OF THE PHILIPPINES" LAVISHLY FOOT-NOTED WITH CITATIONS FROM SUPREME COURT DECISIONS AND RECENT PAPAL PRONOUNCEMENTS. THIS CHAPTER MAINTAINS THAT THE SYSTEMATIC VIOLATION OF RIGHTS OF DETAINEES INDICATE THAT MARTIAL LAW IS NOT IN ACCORD WITH THE RULE OF THE LAW, ALTHOUGH MARCOS HAS TAKEN PAINS TO INVEST HIS REGIME WITH AN "AURA OF LEGALITY." DESPITE MARCOS EFFORT TO SHOW THAT MARTIAL LAW IN THE PHILIPPINE IS "UNIQUE" AND GENERALLY FILIPINO, IT DOES NOT ACCORD WITH "RIGHT REASON" WHICH IS WHAT THE RULE OF LAW IS ALL ABOUT. THIS CHAPTER CONCLUDES THAT BECAUSE OF THE ABOLITION OF THE LEGISLATIVE BRANCH, EMASCULATION OF THE JUDICIARY, GOVERNMENT CONTROL OF MEDIA, CONTINUED ENFORCEMENT OF MARTIAL LAW, CONTINUED ARRESTS AND DETENTION AND TORTURE OF POLITICAL PRISONERS, ETC., MARTIAL LAW IN THE PHILIPPINES IS A BLATANT VIOLATION OF RULE OF LAW.  
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5. THE CHURCH AND POLITICAL DETAINEES: CHAPTER IV IS EXTREMELY DETAILED CHRONICLE OF THE CATHOLIC CHURCH'S ATTITUDE TOWARD MARTIAL LAW SINCE ITS IMPOSITION. IT NOTES APPEALS TO THE PRESIDENT TO TERMINATE MARTIAL LAW AS SOON AS POSSIBLE CAME AS EARLY AS SEPTEMBER 28, 1972. IT RECOUNTS THE HIGHLIGHTS OF CHURCH'S GROWING DISENCHANTMENT WITH REGIME, INCLUDING OPPOSITION TO THE REFERENDA, NOVALICHES RAID, ARCHBISHOP SIN'S INQUIRY ABOUT ARCE MURDER AND INTEREST IN LOPEZ/OSMENA/AQUINO HUNGER STRIKES, DE LA TORRE, ETC. CHAPTER ENDS BY ASKING WHETHER CONCERNED CHURCHMEN WILL PERSIST IN EFFORT TO INDUCE GOVERNMENT TO END TORTURE, ELIMINATE SAFE HOUSES, AND INFORM NEXT-OF-KIN OF DETAINEE WHEREABOUTS.

6. APPENDICES AND POSTSCRIPT: THERE ARE FOUR APPENDICES TO REPORT. THESE DEAL IN DETAIL WITH THE TORTURE/MURDER OF LILIOSA HILAO, FORTUNA BAYOTLANG, SANTIAGO ARCE AND GENEROSO SIBAY. AFTER APPENDICES COMES BRIEF POSTSCRIPT CONSISTING OF THIRTEEN "QUESTIONS FOR REFLECTION" ON TORTURE ISSUE. THESE INCLUDE INTER ALIA QUESTIONS ON WHETHER INFORMATION OBTAINED BY TORTURE IS TRUE; WHETHER TORTURE IS JUSTIFIED EVEN WHEN THE VICTIM IS AN ATHEIST, COMMUNIST OR KNOWN CRIMINAL; AND WHAT THE CHURCH CAN DO TO FORCE THE MILITARY TO STOP THE PRACTICE OF TORTURE.

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7. COMMENT: WHILE IT BREAKS NO NEW GROUND AND MANY OF THE CASES IT HIGHLIGHTS ARE SEVERAL YEARS OLD, AMRSP REPORT IS QUITE WORKMANLIKE. IT APPEARS WELL DOCUMENTED AND CRITICS OF THE REGIME HERE AND ABROAD WILL UNDOUBTEDLY FIND IT CONVINCING AND USEFUL. IT IS ESPECIALLY WELL TAILORED FOR USE BY ANIT-MARCOS EXILES IN U.S., ESPECIALLY WITH MEMBERS OF CONGRESS AND OTHERS INTERESTED IN RELEVANCE OF HUMAN RIGHTS TO ECONOMIC/SECURITY ASSISTANCE. IT MAY ALSO BE GRIST FOR MILLS OF U.S. EDITORIALISTS WHO

APPEAR TO HAVE BECOME MORE INTERESTED IN DEVELOPMENTS  
HERE LATELY (NYT, BALTSUN, WASHSTAR, ETC.) ALTHOUGH MANY  
TORTURE CASES OF MORE RECENT VINTAGE CITED CONCERN NPA  
AND NOT "POLITICAL PRISONERS" IN THE SENSE THAT THIS  
TERM IS GENERALLY UNDERSTOOD. WISELY THE REPORT SKIRTS  
THE ISSUE OF EXACTLY HOW MANY "POLITICAL PRISONERS"  
THERE ARE ALTHOUGH IT QUOTES FIGURE MUTUC GAVE TO FRASER  
COMMITTEE. CHAPTER ON CHURCH'S ACTIVITIES, WHILE  
ELABORATELY DOCUMENTED, SEEMS DEFENSIVE. WE HAVE  
IMPRESSION AMRSP IS TRYING TO SUGGEST MORE INTENSIVE  
AND COORDINATED CHURCH OPPOSITION TO REGIME AND ITS  
PRACTICES TOWARD DETAINEES THAN ACTUALLY EXISTS.  
RULE OF LAW CHAPTER IS WELL ARGUED BUT ABSTRUSE.  
SPECIALISTS MAY FIND IT PERSUASIVE BUT WE DOUBT MAN  
ON THE STREET WILL BE IMPRESSED. INTRODUCTION BEARS  
STRONG IMPRINT OF SENATOR DIOKNO WITH ITS EMPHASIS  
ON ECONOMIC NATIONALISM AND BLANKET CONDEMNATION OF  
MULTINATIONAL ACTIVITY IN PHILIPPINES AND  
TECHNOCRATS MANAGEMENT OF ECONOMY. OF INTEREST IS  
PUBLICATION'S FAILURE TO SINGLE OUT U.S. FOR ANY  
SPECIAL CRITICISM. INDEED, U.S. IS HARDLY MENTIONED.

8. FACT THAT REPORT HAS SURFACED SO SOON AFTER  
MACAPAGAL BOOK, COINCIDES WITH PUBLICATION OF MIJARES  
AND MANGLAPUS TRACTS, AND APPEARS ON EVE OF FRASER  
HEARINGS COULD SUGGEST COLLUSION AMONG OPPOSITIONISTS  
HERE AND IN U.S., BUT WE ARE INCLINED TO DOUBT DISSIDENTS  
ARE THAT WELL ORGANIZED. GOP INITIAL REACTION TO  
REPORT HAS BEEN CAUTIOUS. FALLING BACK ON STANDARD  
GOP LINE, MILITARY ASSISTANT TO UNDERSECRETARY OF  
DEFENSE BARBERO TOLD PRESS THAT DND IS STUDYING REPORT  
AND THAT ARMED FORCES IS WORKING TOWARD ELIMINATION  
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OF ABUSES WHICH ARE CARRIED OUT "BY ONLY A FEW."  
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## Message Attributes

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